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LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th April, 1964:—

BILL NO. 42 OF 1964

A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1962, in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 3) Act, 1964. Short title.
2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of five crores, fourteen lakhs, forty-six thousand, nine hundred and seventy-five rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1962, in excess of the amounts granted for those services and for that year.

Issue of Rs. 5,14,46,975 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1962.
3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1962.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry.	60,803	..	60,803
10	Defence Services—Effective—Navy .	61,79,516	..	61,79,516 10
12	Defence Services—Non-Effective .	20,32,181	..	20,32,181
13	Ministry of Education . . .	20,497	..	20,497
16	Tribal Areas	31,57,964	..	31,57,964
24	Taxes on Income including Corpo- ration Tax, etc.	11,19,304	..	11,19,304 15
32	Miscellaneous Departments and other Expenditure under the Ministry of Finance . . .	14,13,760	..	14,13,760
47	Cabinet	87,278	..	87,278
50	Police	23,476	..	23,476 20
69	Labour and Employment . . .	52,95,047	..	52,95,047
86	Ministry of Transport and Commu- nications	1,09,698	..	1,09,698
88	Posts and Telegraphs—Dividend to General Revenues and Appropria- tions to Reserve Funds . . .	2,96,63,517	..	2,96,63,517 25
90	Lighthouses and Lightships .	6,63,496	..	6,63,496
95	Communications (including Na- tional Highways)	15,61,541	..	15,61,541
128	Other Capital Outlay of the Ministry of Irrigation and Power	58,897	58,897 30
	TOTAL . . .	5,13,88,078	58 97	5,14,46,975

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure incurred in excess of the appropriations charged on the Fund and the Grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year ended on the 31st day of March, 1962.

T. T. KRISHNAMACHARI.

COMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of letter No. F.3(65)-B/63, dated the 13th April, 1964 from Shri T. T. Krishnamachari, Minister of Finance to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1962, in excess of the amounts granted for the said services and for that year recommends under clauses (1) and (3) of article 117 of the Constitution read with sub-clause (2) of article 115 thereof, the introduction of the Appropriation (No. 3) Bill, 1964, in the Lok Sabha and also recommends to the Lok Sabha the consideration of the Bill.

BILL No. 41 OF 1964

A Bill further to amend the Oil and Natural Gas Commission Act, 1959.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Oil and Natural Gas Commission (Amendment) Act, 1964.

Substitution
of new
section for
section 24.

2. For section 24 of the Oil and Natural Gas Commission Act, 1959, 5 43 of 1959.
the following section shall be substituted, namely:—

Compulsory
acquisition
of land for
the Com-
mission.

“24. Any land required by the Commission for carrying out its functions under this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the Commission under the provisions of the Land Acquisition Act, 1894.”

10 1 of 1894.

STATEMENT OF OBJECTS AND REASONS

Under section 24 of the Oil and Natural Gas Commission Act, 1959, acquisition of land for the Commission has to be made only in accordance with the procedure laid down in Part VII of the Land Acquisition Act, 1894 as if the Commission were a company within the meaning of clause (e) of section 3 of the said Act. This procedure has to be followed notwithstanding the fact that the land required by the Commission is deemed to be needed for a public purpose. The procedure for acquisition of land for companies under the Land Acquisition (Companies) Rules, 1963 is, however, a time-consuming process and difficulty is being experienced in acquiring land expeditiously for carrying out the oil exploration and production programmes of the Commission and this may adversely affect the targets for production of crude oil and gas. It is, therefore, considered necessary to amend section 24 of the Oil and Natural Gas Commission Act, 1959 so that land may be acquired, in cases where it is urgently required by the Commission, also under Part II of the Land Acquisition Act.

The Bill is designed to give effect to the above proposal.

NEW DELHI;
The 13th April, 1964.

HUMAYUN KABIR.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 10/80/63-ONG, dated the 18th April, 1964 from Shri O. V. Alagesan, Minister of State in the Ministry of Petroleum and Chemicals to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Oil and Natural Gas Commission (Amendment) Bill, 1964 recommends under clause (3) of article 117 of the Constitution the consideration of the said Bill by the Lok Sabha.

FINANCIAL MEMORANDUM

Under section 24 of the Act as amended, it would be possible to acquire land for the Commission also under Part II of the Land Acquisition Act, 1894. If and when land is acquired under the said Part II, a small portion of the compensation will have to be provided out of the Consolidated Fund of India. It is not possible to visualise at this stage in how many cases land will be acquired under Part II and what would be the contribution of the Government towards compensation for such acquisition. In the circumstances, it is not possible to give an assessment of the financial liability of the Government in this regard, but in any case it is not expected to exceed Rs. 10,000 per year.

BILL NO. 40 OF 1964

A Bill further to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Medical Council (Amendment) Act, 1964. Short title

102 of 1956. 5 2. In section 1 of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted. Amendment of section 1

3. In section 2 of the principal Act, clause (c) shall be omitted. Amendment of section 2.

4. In sub-section (2) of section 12 of the principal Act, the words "State or", in both the places where they occur, shall be omitted. Amendment of section 12.

5. In sub-section (3) of section 13 of the principal Act, the words "or State", in both the places where they occur, shall be omitted. Amendment of section 13.

6. In sub-section (1) of section 14 of the principal Act,—
(a) the words "State or" shall be omitted; Amendment of section 14.

(b) for the proviso, the following proviso shall be substituted, namely:—

“Provided that medical practice by persons possessing such qualifications—

(a) shall be permitted only if such persons are enrolled as medical practitioners in accordance with the law regulating the registration of medical practitioners for the time being in force in that country; 5

(b) shall be limited to the institution to which they are attached for the time being for the purposes of teaching, research or charitable work; and 10

(c) shall be limited to the period specified in this behalf by the Central Government by general or special order.”.

Amend- 7. Section 15 of the principal Act shall be re-numbered as sub- 15
ment of section (1) thereof and after sub-section (1) as so re-numbered,
section 15. the following sub-sections shall be inserted, namely:—

“(2) Save as provided in section 25, no person other than a medical practitioner enrolled on a State Medical Register,—

(a) shall hold office as physician or surgeon or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practise medicine in any State;

(c) shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner; 25

(d) shall be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to medicine. 30 1 of 1872.

(3) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.”.

Amend- 8. For sub-sections (1) and (2) of section 17 of the principal Act, 35
ment of the following sub-sections shall be substituted, namely:—
section 17.

“(1) The Committee shall appoint such number of medical inspectors as it may deem requisite to inspect any medical institution, college, hospital or other institution where medical educa-

tion is given, or to attend any examination held by any University or medical institution for the purpose of recommending to the Central Government recognition of medical qualifications granted by that University or medical institution.

5 (2) The medical inspectors shall not interfere with the conduct of any training or examination, but shall report to the Committee on the adequacy of the standards of medical education including staff, equipment, accommodation, training and other
10 facilities prescribed for giving medical education or on the sufficiency of every examination which they attend."

9 In section 18 of the principal Act,—

Amend-
ment of
section 18.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

15 "(1) The Council may appoint such number of visitors as it may deem requisite to inspect any medical institution, college, hospital or other institution where medical education is given or to attend any examination held by any University or medical institution for the purpose of granting recognised medical qualifications.";

20 (b) in sub-section (2), for the word "examination", in both the places where it occurs, the words "inspection or examination" shall be substituted;

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

25 "(3) The visitors shall not interfere with the conduct of any training or examination, but shall report to the President of the Council on the adequacy of the standards of medical education including staff, equipment, accommodation, training and other facilities prescribed for giving medical education or on the sufficiency of every examination which they attend."

10 In section 19 of the principal Act—

Amend-
ment of
section 19.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

35 "(1) When upon report by the Committee or the visitor, it appears to the Council—

(a) that the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, any University or
40 medical institution, or

(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University or medical institution or in any college or other institution affiliated to that University, do not conform to the standards prescribed by the Council, 5 the Council shall make a representation to that effect to the Central Government.”;

(b) in sub-section (4), the following words shall be inserted at the end, namely:—

“or that the said medical qualification if granted to 10 students of a specified college or institution affiliated to any University shall be recognised medical qualification only when granted before a specified date or, as the case may be, that the said medical qualification shall be a recognised medical qualification in relation to a specified college or institu- 15 tion affiliated to any University only when granted after a specified date.”.

Insertion
of new
section
19A.
Minimum
standards
for medical
education.

11. After section 19 of the principal Act, the following section shall be inserted, namely:—

“19A. (1) The Council may prescribe the minimum standards 20 of medical education required for granting recognised medical qualifications (other than post-graduate medical qualifications) by Universities or medical institutions in India.

(2) Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Council to all 25 State Governments and the Council shall, before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for sanction, take into consideration the comments of any State Government received within three months from the furnishing of the copies as aforesaid. 30

(3) The Committee shall from time to time report to the Council on the efficacy of the regulations and may recommend to the Council such amendments thereof as it may think fit.”.

Insertion
of new
section
20A.

12. After section 20 of the principal Act, the following section shall be inserted, namely:— 35

Profes-
sional
conduct.

“20A. (1) The Council may prescribe standards of profes- sional conduct and etiquette and a code of ethics for medical practitioners.

(2) Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute infamous 40

conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything contained in any law for the time being in force.”.

13. In section 22 of the principal Act, for the word “three”, the
5 word “six” shall be substituted. Amend-
ment of
section 22.

14. In section 24 of the principal Act, in sub-section (2), for the
words “on any ground other than that he is not possessed of the re-
quisite medical qualifications”, the words “on the ground of profes-
sional misconduct or any other ground except that he is not posses-
10 sed of the requisite medical qualifications” shall be substituted. Amend-
ment of
section 24.

15. For section 25 of the principal Act, the following section shall
be substituted, namely:— Substitu-
tion of new
section for
section 25.

15 “25. (1) A citizen of India possessing a medical qualification
granted by a medical institution outside India included in Part
II of the Third Schedule, who is required to undergo practical
training as prescribed under sub-section (3) of section 13, shall,
on production of proper evidence that he has been selected for
such practical training in an approved institution, be entitled
to be registered provisionally in a State Medical Register and
20 shall be entitled to practise medicine in the approved institution
for the purposes of such training and for no other purpose.

25 (2) A person who has passed the qualifying examination of
any University or medical institution in India for the grant of
a recognised medical qualification shall be entitled to be register-
ed provisionally in a State Medical Register for the purpose of
enabling him to be engaged in employment in a resident medi-
cal capacity in any approved institution, or in the Medical Ser-
vice of the Armed Forces of the Union, and for no other pur-
pose, on production of proper evidence that he has been selected
30 for such employment.

(3) The names of all persons provisionally registered under
sub-section (1) or sub-section (2) in a State Medical Register
shall be entered therein separately from the names of other
persons registered therein.

35 (4) A person registered provisionally as aforesaid who has
completed practical training referred to in sub-section (1) or
who has been engaged for the prescribed period in employment

in a resident medical capacity in any approved institution or in the Medical Service of the Armed Forces of the Union, as the case may be, shall be entitled to registration in the State Medical Register under section 15.”.

Amend-
ment of
section 33.

16. In section 33 of the principal Act,—

(i) in clause (i), the word “and” occurring at the end shall be omitted;

(ii) clause (j) shall be re-lettered as clause (n); and

(iii) before clause (n), as so re-lettered, the following clauses shall be inserted, namely:—

“(j) the courses and period of study and of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in Universities or medical institutions for grant of recognised medical qualifications;

(k) the standards of staff, equipment, accommodation, training and other facilities for medical education;

(l) the conduct of professional examinations, qualifications of examiners and the conditions of admission to such examinations;

(m) the standards of professional conduct and etiquette and code of ethics to be observed by medical practitioners; and”.

Amend-
ment of
Second
Schedule.

17. In the Second Schedule to the principal Act, for the existing entries relating to United Kingdom, the following shall be substituted, namely:—

Country	Title	Nature of qualification as stated in diplomas	Abbreviation
1	2	3	4
“UNITED KINGDOM			
University of Birmingham	M.B., Ch. B., M.D., Ch.M.	Bachelor of Medicine and Bachelor of Surgery Doctor of Medicine Master of Surgery	U. Birm.
University of Bristol	M.B., Ch. B., M.D., Ch.M.	Do.	U. Brist.

Country	Title	Nature of qualification as stated in diplomas	Abbrevia- tion
1	2	3	4
5 University of Cambridge	M.B., B. Chir., M.D., M.Chir.]	Bachelor of Medicine and Bachelor of Surgery Doctor of Medicine Master of Surgery	U. Camb.
10 University of Durham	M.B., B.S., M.D., M.S.	Do.	U. Durh.
University of Leeds	M.B., Ch.B., M.D., Ch.M.	Do.	U. Leeds.
15 University of Liverpool	M.B., Ch. B., M.D., Ch. M., M.Ch. Orth.	Do. Do. Do. Master of Orthopaedic Surgery	U.L'Pool.
20 University of London	M.B., B.S., M.D., M.S.	Bachelor of Medicine & Ba- chelor of Surgery Doctor of Medicine Master of Surgery	U. Lond.
University of Manchester	M.B., Ch.B., M.D., Ch.M.,	Do.	U. Man c.
25 University of Oxford	M.B., B.Ch., D.M., M.Ch.	Do.	U. Oxford.
University of Sheffield	M.B., Ch.B., M.D., Ch. M.	Do.	U. Sheff.
University of Wales	M.B., B.Ch., M.D., M.Ch.	Do.	U. Wales.
35 University of Aberdeen	M.B., Ch.B., M.D., Ch.M.	Do.	U. Aberd.
University of Edinburgh	M.B., Ch.B., M.D., Ch. M.	Do.	U. Edin.
40 University of Glasgo	M.B., Ch.B., M.D., Ch. M.	Do.	U. Glasg.
University of Andrews	M.B., Ch.B., M.D., Ch. M.	Do.	U.St. And
45 Queen's University of Belfast	M.B., B.Ch., M.D., M. Ch.] M.A.O.	Do. Do. Do. Master of Obstetrics	Q.U. Belf.
50			

Country	Title	Nature of qualification as stated in diplomas	Abbrevia- tion	
1	2	3	4	
University of Dublin	M.B., B.Ch., L.Med., L.Ch., M.D., M.Ch., M.A.O.	Bachelor of Medicine and Ba- chelor of Surgery Licentiate in Medicine Licentiate in Surgery Doctor in Medicine Master in Surgery Master in Obstetric Science	U. Dubl.	5
National University Ireland	M.B., B.Ch., M.D., M.Ch., M.A.O.	Bachelor of Medicine and Ba- chelor of Surgery Doctor of Medicine Master of Surgery Master of Obstetrics	N.U. Irel.	10
Royal College of Physicians of London.	L.R.C.P. M.R.C.P. F.R.C.P.	Licentiate Member Fellow	R.C.P. Lond.	15
Royal College of Surgeons of England.	M.R.C.P. F.R.C.S.	Member Fellow.	R.C.S. Eng.	20
Society of Apothecaries of London.	L.M.S.S.A. L.S.A.	Licentiate in Medicine and Surgery. Licentiate	S.A. Lond.	
Royal College of Physicians of Edinburgh.	L.R.C.P. M.R.C.P. F.R.C.P.	Licentiate Member Fellow.	R.C.P. Edin.	25
Royal College of Surgeons of Edinburgh.	M.R.C.S. F.R.C.S.	Member Fellow.	R.C.S. Edin.	
Royal College of Physicians and Surgeons of Glasgow.	L.R.C.P.S. M.R.C.P. F.R.C.P. F.R.C.S. F.R.C.P.S.	Licentiate Member Fellow Fellow Fellow	R.C.P.S. Glasg.	30
Royal College of Physicians of Ireland	L.R.C.P. L.M. M.R.C.P. F.R.C.P.	Licentiate Licentiate in Midwifery Member Fellow.	R.C.P. Irel.	35
Royal College of Surgeons in Ireland.	L.R.C.S. L.M. F.R.C.S.	Licentiate Licentiate in Midwifery Fellow	R.C.S. Irel.	40
Apothecaries' Hall of Dublin	L.A.H.	Licentiate	A.H. Dubl."	

STATEMENT OF OBJECTS AND REASONS

The Indian Medical Council Act, 1956, extends to the whole of India except the State of Jammu and Kashmir. It is now proposed to extend the Act to that State also. Opportunity has also been taken to remove certain lacunae in the Act in order to enable the Medical Council of India more effectively to discharge its functions. The notes on clauses explain in detail the provisions of the Bill.

NEW DELHI;

SUSHILA NAYAR.

The 15th April, 1964.

**PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA**

[Copy of letter No. F.32-4/63-MPT, dated the 15th April, 1964 from Dr. Sushila Nayar, Minister of Health to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill, recommends under article 117(3) of the Constitution, to the Lok Sabha the consideration of the Bill.

Notes on Clauses

Clauses 2 to 5 and 6(a) provide for the extension of the Act to the State of Jammu and Kashmir and for amendments consequential thereto.

Clause 6(b) will permit registration of foreign medical practitioners only if they are enrolled on the Medical Registers of their respective countries.

Clause 7 makes registration on a State Medical Register compulsory before a person can engage in private practice or hold appointment under Government or in any institution or sign or authenticate a medical or fitness certificate or appear as an expert to give evidence at any inquest or in any court of law. Penalty for infringement of this requirement has been provided.

Clauses 8 and 9 empower inspectors and visitors of the Medical Council of India to inspect medical institutions as regards staff, equipment and other requirements necessary for maintaining the prescribed standards of medical education in addition to inspection of examinations.

Clause 10 provides for holding up recognition or withdrawal of recognition of medical qualifications granted to students of a specified college or institution on its failure to conform to the standards prescribed by the Medical Council of India.

Clause 11 empowers the Medical Council of India to prescribe, with the previous sanction of the Central Government, the minimum standards of medical education required for granting recognized medical qualifications by universities or medical institutions in India, after consultation with the State Governments.

Clause 12 authorises the Medical Council of India to prescribe standards of professional conduct and etiquette and a code of ethics for medical practitioners and to specify which violations shall constitute infamous conduct in any professional respect.

Clause 13 provides for 6 copies, instead of 3, of the State Medical Register to be supplied to the Medical Council of India.

Clause 14 is a consequential amendment to the provisions made under clause 12.

Clause 15 provides for provisional registration for Indian citizens, possessing foreign medical qualifications included in Part II of the Third Schedule, who are required to undergo prescribed practical training.

The clause also provides for provisional registration of a person qualifying in recognized Indian medical qualification for the purpose of enabling him to be engaged in a resident medical capacity in any approved institution or in the medical service of the Armed Forces of the Union.

Clause 16 empowers the Medical Council of India to make regulations in respect of the subjects mentioned in clauses 11, 12 and 15.

Clause 17 substitutes for the existing entries relating to the United Kingdom in the Second Schedule of the Act the names of the medical institutions granting recognized medical qualifications in the same way as the qualifications of other countries included in the Schedule.

FINANCIAL MEMORANDUM

The Indian Medical Council (Amendment) Bill, 1964, provides for the extension of the Indian Medical Council Act, 1956, to the State of Jammu and Kashmir. It is expected that three members from this State will be elected or nominated on the Medical Council of India. In case the Government of Jammu and Kashmir do not agree to meet the expenditure on the travelling and daily allowances of these members, this expenditure will have to be borne by the Medical Council of India which body is paid grants-in-aid by the Central Government to meet its expenses. The additional expenditure on this account is estimated to be Rs. 2,250·00 per annum on the assumption that the Medical Council of India will meet twice a year. The Central Government will be required to meet the expenditure on the election of members from this State to the Council. It is estimated that there will be an additional expenditure of about Rs. 500·00 every five years.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Medical Council of India to make, with the previous sanction of the Central Government, regulations to carry out the purposes of the Act in respect of the matters as specified therein. These matters relate to the courses and period of study and of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in Universities or medical institutions for grant of recognised medical qualifications; the standards of staff, equipment, accommodation, training and other facilities for medical education; the conduct of professional examinations, qualifications of examiners; and the standards of professional conduct and etiquette and code of ethics to be observed by medical practitioners. These are all matters of detail and the delegation of legislative power is of a character normal to such Acts.

M. N. KAUL,
Secretary.

